

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, CHANCERY DIVISION**

PATRICIA KIEVLAN and  
NATOSHA TOLLER,

Plaintiffs,

v.

JUDGES RETIREMENT SYSTEM OF ILLINOIS; BOARD OF TRUSTEES OF JUDGES RETIREMENT SYSTEM OF ILLINOIS; TIMOTHY B. BLAIR, in his official capacity as Executive Secretary of Judges Retirement System of Illinois; CHARLES M. FEENEY III, MICHAEL FRERICHS, THOMAS HOFFMAN, CATHERINE M. SHANNON, MARY JANE THEIS, DEBRA B. WALKER, and KAREN WALL, in their official capacities as Board Members of Judges Retirement System of Illinois,

Defendants.

Case No. 24CH01708

Calendar 4

**ORDER**

In this action for administrative review, two Illinois state court judges—one active, one retired, and both with demonstrated commitments to public service in their careers—challenge their designation as “Tier 2” participants in the Judges Retirement System of Illinois (“JRS”) for purposes of calculating their pension benefits. Plaintiffs’ Complaint is fully briefed, and the Court heard argument on October 24, 2024.<sup>1</sup>

**BACKGROUND**

JRS is one of five state-funded pension systems for state employees. The other four are the General Assembly Retirement System (“GARS”), the State Employees’ Retirement System (“SERS”), the State Universities Retirement System (“SURS”), and the Teachers’ Retirement System (“TRS”).

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<sup>1</sup> State Universities Annuitants Association requested and received leave of court to file a Brief of *Amicus Curiae* in support of Plaintiffs.

In 2010, the Illinois General Assembly enacted certain reforms to the state-funded pension systems by passing Public Act ("P.A.") 96-0889. Pertinent here, P.A. 96-0889 created a two-tier pension structure within JRS. Tier eligibility depends on when the participant "first serves as a judge." A participant who "first serves as a judge" before January 1, 2011 is considered a Tier 1 member ("Tier 1 judge"). By contrast, a participant who "first serves as a judge" on or after January 1, 2011, is considered a Tier 2 member ("Tier 2 judge").<sup>2</sup>

A Tier 1 judge is eligible for substantially higher retirement benefits than a Tier 2 judge. For instance, and without limitation, a Tier 1 judge is eligible for a full retirement annuity at age 60 with at least 10 years of service credit or at age 62 with at least 6 years of service credit. A Tier 2 judge, by contrast, is eligible for a full retirement annuity at age 67 with at least 8 years of service credit. Furthermore, the multiplier to compute a Tier 1 judge's retirement ranges from 3.5% to 5%, but is only 3% for a Tier 2 judge.<sup>3</sup> And the maximum retirement annuity for Tier 1 judges is 85% of their final average compensation, but 60% of the final average compensation for Tier 2 judges. The final average salary of Tier 1 judges retiring between 1975 and 1995 varies depending on when their service terminates, but none of the Tier 1 judges have a dollar limit on their maximum final average salary, whereas Tier 2 judges' final average salary may not exceed \$106,800, except for cost of living adjustments ("COLA").<sup>4</sup>

As part of the 2010 reform efforts, the General Assembly created a similar framework in GARS, SERS, SURS, and TRS. In JRS and in GARS, which is the pension fund for state legislators, eligibility and benefits depend on when the participant first serves as a judge or legislator.<sup>5</sup> In the other three state-funded systems, by contrast, eligibility and benefits depend on when one first becomes a participant in "any retirement system or pension fund" under the Pension Code.<sup>6</sup>

Participants in certain pension systems can combine their service credits across systems. To that end, the Retirement Systems Reciprocal Act ("Reciprocal Act") establishes

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<sup>2</sup> 40 ILCS 5/18-124; 40 ILCS 5/18-125; 40 ILCS 5/18-125.1; 40 ILCS 5/18-128.01.

<sup>3</sup> 40 ILCS 5/18-125.

<sup>4</sup> 40 ILCS 5/18-125(b), (b)(5).

<sup>5</sup> Similar to judges, legislators who first became a member of GARS on or after January 1, 2011, are eligible for a full retirement annuity at age 67 with at least 8 years of service credit. Likewise, for Tier 2 legislators, as with Tier 2 judges, the multiplier for computing a retirement annuity is 3%, subject to a cap of 60% of the participant's highest salary for annuity purposes. 40 ILCS 5/2-119.01(c). Finally, as with Tier 2 judges, the annual COLA for Tier 2 legislators is the lesser of the full CPI-U or 3% compounded, 40 ILCS 5/2-119.1(b-5), and the pensionable compensation limit increases with the full CPI-U index, 40 ILCS 5/2-108.1(a).

<sup>6</sup> 40 ILCS 5/1-160.

“a plan for the continuity and preservation of pension credit” for “employees transferring from one government unit to another.”<sup>7</sup> The purpose of the Reciprocal Act “is to assure full and continuous pension credit for service in public employment which is covered by a retirement system.” Relevant here, individuals who have participated in multiple participating systems may choose to have their service credits combined and then receive a separate pension from each system, known as a “proportional retirement annuity” or “proportional annuity,” based on their actual service credits in each system.<sup>8</sup> Each participating system then calculates its own proportional annuity based on a “final average salary” that considers “[e]arnings credits under all participating systems,” including each system’s “limitations on earnings for annuity purposes.”<sup>9</sup> That computation “shall be in accordance with the formula or method prescribed by each participating system which is in effect at the date of the employee’s latest withdrawal from service covered by any of the systems in which he has pension credits which he elects to have considered under this Article.”<sup>10</sup>

Plaintiff Kievlan began participating in SURS in 1997, when she was a professor at Southwestern Illinois College. In 2008, she joined the Illinois Municipal Retirement Fund (“IMRF”) as a member of the St. Clair County Board. Both SURS and IMRF have adopted the Reciprocal Act.<sup>11</sup> In May 2013, Plaintiff Kievlan was appointed as a judge and began participating in JRS.<sup>12</sup> In 2023, Judge Kievlan applied for retirement benefits. JRS deemed her a Tier 2 judge, because she first served as a judge on or after January 1, 2011, and calculated her benefits at \$5,003.36 per month. Were she designated a Tier 1 judge, her benefits would be \$11,151.63 per month.

Plaintiff Toller became a participant in the County Employees’ and Officers’ Annuity and Benefit Fund of Cook County (“CEOABF”) in 2005 as an intern with the Cook County States’ Attorney’s Office. CEOABF has adopted the Reciprocal Act.<sup>13</sup> In 2022, she joined SERS, also a Reciprocal Act adopter. In 2023, she became a judge and joined JRS. Judge Toller contacted JRS to confirm her status as a Tier 1 judge. JRS informed her that she was classified as a Tier 2 judge.<sup>14</sup>

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<sup>7</sup> 40 ILCS 5/20-101.

<sup>8</sup> 40 ILCS 5/20-115, 5/20-121.

<sup>9</sup> 40 ILCS 5/20-106.

<sup>10</sup> 40 ILCS 5/20-121.

<sup>11</sup> Cmplt. ¶ 33; 40 ILCS 5/15-192, 40 ILCS 5/7-215.

<sup>12</sup> Cmplt. ¶¶ 42-43.

<sup>13</sup> Cmplt. ¶ 33; 40 ILCS 5/9-223.

<sup>14</sup> Cmplt. ¶¶ 63-68.

On February 6, 2024, the JRS Board of Trustees issued letters and decisions to Judges Kievlan and Toller.<sup>15</sup> The Board concluded that each judge was not entitled to Tier 1 benefits.

Plaintiffs now seek judicial review of those decisions, asserting constitutional challenges to the changes made by P.A. 96-0889 to the Pension Code (the “P.A. 96-0889 Amendments”)<sup>16</sup> as those changes apply to each Plaintiff.

### STANDARD OF REVIEW

In administrative review, the scope of the court’s review extends to all questions of law and fact presented by the record. 735 ILCS 5/3-110. The applicable standard of review, which determines the amount of deference to be given to the administrative agency’s decision, depends on whether the question is one of fact, of law, or a mixed question of law and fact. *AFM Messenger Serv., Inc. v. Dep’t of Employment Sec.*, 198 Ill. 2d 380, 390 (2001). The issues presented here are questions of law subject to *de novo* review. *Knight v. Village of Bartlett*, 338 Ill. App. 3d 892 (1st Dist. 2003).

### ANALYSIS

#### I. Pension Protection Clause and Reciprocal Act

First, Plaintiffs argue that Defendants’ decision violates the Illinois Constitution’s Pension Protection Clause and the Reciprocal Act. Plaintiffs contend that when they joined the SURS system in 1997 and CEOABF system in 2005, respectively, they acquired constitutionally protected benefits of membership in those systems *and* in JRS as a reciprocal system. They maintain they should be classified by JRS as Tier 1 judges who are entitled to a computation of their benefits using the formula in place prior to the P.A. 96-0889 Amendments, even though both Plaintiffs first served as judges on or after January 1, 2011.

The Pension Protection Clause of the Illinois Constitution provides:

Membership in any pension or retirement system of the State, any unit of local government or school district, or any agency or instrumentality thereof, shall be an enforceable contractual relationship, the benefits of which shall not be diminished or impaired.

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<sup>15</sup> Cmpl’t., Exs. 10, 11.

<sup>16</sup> Specifically, Plaintiffs challenge 40 ILCS 5/1-160 and the amendments to Article 18 of the Pension Code in sections 18-124, 18-125, 18-125.1, and 18-128.01. Pl. Brief at 4.

Ill. Const. 1970, art. XIII, § 5. The Clause “is a statement by the people of Illinois, made in the clearest possible terms, that the authority of the legislature does not include the power to diminish or impair the benefits of membership in a public retirement system.” *Heaton v. Quinn (In re Pension Reform Litig.)*, 2015 IL 118585, ¶ 76 (2015).

Under the Pension Protection Clause, the benefits granted by any retirement system are an enforceable contractual relationship. The Clause does not, however, specify the particular benefits of membership in any one retirement system. Rather, “the scope of the pension protection clause’s application is ‘governed by the actual terms of the contract or pension.’” *Underwood v. City of Chicago*, 2017 IL App (1st) 162356, ¶ 25.

According to the actual terms of the JRS pension, a participant who “first serves as judge” on or after January 1, 2011 is eligible for benefits under the Tier 2 judge formula. Plaintiffs claim that notwithstanding this provision, they had a “future right to move to other covered pension systems—including JRS—while maintaining consistent benefits” under the Reciprocal Act.<sup>17</sup>

The Reciprocal Act provides:

There is established a plan for the continuity and preservation of **pension credit**, in accordance with the provisions hereof, in the case of employees transferring employment from one governmental unit to another. The purpose of this plan is to assure full and continuous **pension credit** for all service in public employment which is covered by a retirement system.

The acceptance of the provisions of this Article, shall be optional with the employee, or in the event of his death, with his survivor; however, the provisions of Section 20-120 [40 ILCS 5/20-120] shall be applicable to every person who applies for **benefits** from 2 or more retirement systems covered by this Article.

40 ILCS 5/20-101, *et seq.* (emphasis added).

The Reciprocal Act clearly promises continuity in pension *credit* when a participant moves from one covered system to another. Plaintiffs conflate the concept of credit with the concept of benefits,<sup>18</sup> but this Court sees no corresponding promise in the Reciprocal

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<sup>17</sup> Pl. Brief at 16.

<sup>18</sup> *See, e.g.*, Pl. Brief at 16–17 (“the stated purpose of the Reciprocal Act is . . . ‘assur[e] full and continuous pension credit’ for all covered service. . . . The Reciprocal Act’s effect is to link together

Act to provide continuity of *benefits* to those who move from one covered system to another. Indeed, the General Assembly referred to benefits in the second paragraph of section 20-101, but did not include benefits as part of the promise of continuity and preservation of pension credits in the first paragraph.

Moreover, as a functional matter, pension credit is generally used under the Reciprocal Act and the Pension Code as a unit of measurement to determine whether a participant has enough combined service time to qualify for a retirement annuity. 40 ILCS 5/20-115 (pertaining to length of qualifying period for proportional retirement annuity); 40 ILCS 5/18-124, 125 (pertaining to length of service needed to qualify for retirement annuity). In other words, pension credit performs a timing or qualification function.

For the computation of the benefit itself (here, the proportional retirement annuity), the Reciprocal Act leaves that to each participating system:

Upon retirement of the employee, **a proportional retirement annuity shall be computed by each participating system** in which pension credit has been established on the basis of pension credits under each system. **The computation shall be in accordance with the formula or method prescribed by each participating system** which is in effect at the date of the employee's latest withdrawal from service covered by any of the systems in which he has pension credits which he elects to have considered under this Article.

40 ILCS 5/20-121 (emphasis added). This provision, too, differentiates the computation of a pension benefit from the establishment of pension credits. Moreover, this provision acknowledges the potential for different computation methods in each participating system, and it does not dictate the formula for any system.

Here, the record shows that the Reciprocal Act's promised continuity of pension credits has been fulfilled. What Plaintiffs seek is continuity of the formula to compute benefits that was in place in JRS before January 1, 2011 and before Plaintiffs joined JRS.

In support of their position, Plaintiffs cite *Carmichael v. Laborers' & Retirement Board Employees' Annuity & Benefit Fund of Chicago* for the proposition that "[i]f [a] benefit is part of the contractual relationship resulting from membership in the public retirement system, it is protected by the pension clause even if the participant had not yet exercised

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all covered public pension systems and their attendant benefits," and "[t]his newly added language . . . prevent[s] new judges, who had pension credit from other pension systems, from maintaining full and continuous benefits after becoming part of JRS").

the option before the amendments of the Act took effect.” 2018 IL 122793, ¶ 26. From this proposition, Plaintiffs analogize that they “had a pre-existing right enshrined in the Pension Code to exercise an option in the future—*i.e.*, to move within a group of covered pension systems (including JRS) without losing their pension credit.”<sup>19</sup>

This argument is not persuasive. First, there is no evidence in the record that Plaintiffs have lost their pension credit; the issue is the formula to compute their pension benefits. Second, the *Carmichael* plaintiffs sued over a change made to the system in which they were already participants at the time the change was made. Specifically, the legislature removed a provision that gave plan participants the right to contribute to receive service time for employment with private unions while they were on leave of absence from their public positions. Even though the *Carmichael* plaintiffs had never exercised that right, they had the option to do so when they joined the pension system. The supreme court held that because the legislative change would deprive them of that option, the change diminished or impaired a benefit within the meaning of the Pension Protection Clause.

Not so here. Unlike the *Carmichael* plaintiffs, neither Plaintiff here was a member of JRS when the P.A. 96-0889 Amendments became effective. Plaintiffs do not cite any case supporting their argument that as members of other pension systems before January 1, 2011, they had a right to the then-existing benefit formulas in JRS should they become future participants in JRS. None of Plaintiffs’ cited cases involves a challenge to pension system changes made years before the plaintiff began participating in that system.

Plaintiffs remind the Court of its obligation to liberally construe the language of pension statutes in favor of the rights of the pensioner. *Chappell v. Bd. of Trs. of Ill. Mun. Ret. Fund*, 2020 IL App (1st) 192255, ¶ 42. That is true. It is also true that “if the legislative intention is obvious from the language used that intention must be made effective, and the judiciary will not be warranted in giving the act a meaning not expressed in it.” *Id.*

Here, the legislative intent is clear. Under the Pension Code, JRS is a trust “separate and distinct from all other entities, maintained for the purpose of securing the payment of annuities and benefits as prescribed herein.”<sup>20</sup> Within that separate and distinct system, a participant who first serves as judge before January 1, 2011 is eligible for the Tier 1 formula for the computation of JRS benefits. A participant who first serves as judge on or after January 1, 2011 is eligible for the Tier 2 formula for the computation of JRS benefits.<sup>21</sup> The General Assembly consistently applied the “first serves” requirement

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<sup>19</sup> Pl. Brief at 20.

<sup>20</sup> 40 ILCS 5/18-101.

<sup>21</sup> 40 ILCS 5/18-124 (a), (b).

throughout the P.A. 96-0889 Amendments.<sup>22</sup> Plaintiffs do not cite a provision stating that the tier of JRS benefit should be determined based on when the person previously joined any reciprocal system. Such an approach, in this Court's view, would not be consistent with the Reciprocal Act's directive that proportional annuity benefits should be calculated based on the relevant formula in effect in each system at the time the participant withdraws from that system.<sup>23</sup>

For the foregoing reasons, this Court concludes that the P.A. 96-0889 Amendments, as applied to these Plaintiffs, do not violate the Pension Protection Clause.

## II. Equal Protection Clauses and the Special Legislation Clause

Plaintiffs also claim the amendments made by Public Act 96-0889 to the JRS and GARS statutes, as applied, violate the Equal Protection Clauses of the United States and Illinois Constitutions and the Special Legislation Clause of the Illinois Constitution.

Under the Illinois Constitution: "No person shall be deprived of life, liberty or property without due process of law nor be denied the equal protection of the laws." Ill. Const. 1970, art. I, § 2. The United States Constitution provides: "[N]or shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." U.S. Const., amend. XIV, § 1. The Illinois Constitution provides: "The General Assembly shall pass no special or local law when a general law is or can be made applicable. Whether a general law is or can be made applicable shall be a matter for judicial determination." Ill. Const. 1970, art. IV, § 13.

"The analysis applied to equal protection claims is the same under both the United States and Illinois Constitutions." *Caulkins v. Pritzker*, 2023 IL 129453, ¶ 46. Furthermore, "[i]n determining whether a statute violates [the prohibition against special legislation], courts generally apply the same standards applicable to challenges brought under the equal protection clause of our constitution (Ill. Const. 1970, art. I, § 2)." *Big Sky Excavating, Inc. v. Illinois Bell Telephone Co.*, 217 Ill. 2d 221, 235 (2005). Where, as here, a statutory classification "neither impinges on a fundamental constitutional right nor is based on a 'suspect' class, such as race, a court will use the 'rational basis' test to review the statute's validity," and the state's classification is constitutional if it "bears a rational basis to a legitimate state interest." *People v. Kimbrough*, 163 Ill. 2d 231, 237 (1994).

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<sup>22</sup> 40 ILCS 5/18-124; 40 ILCS 5/18-125; 40 ILCS 5/18-125.1, 40 ILCS 5/18-128.01.

<sup>23</sup> 40 ILCS 5/20-106(b) (citing each system's "limitations on earnings for annuity purposes"); 40 ILCS 5/20-121 (applying "formula or method prescribed by each participating system which is in effect at the date of the employee's latest withdrawal from service covered by any of the systems in which he has pension credits which he elects to have considered under this Article").

Plaintiffs have not shown that the P.A. 96-0889 Amendments fail rational basis review. Plaintiffs argue that the creation of Tier 2 in JRS is “a drop in the bucket” in terms of funding Illinois’ pension systems, and “[i]f the issue was truly about trying to tackle a funding crisis and being fiscally responsible, this means nothing. It’s absolutely meaningless in the scheme of things.”<sup>24</sup> But a “drop in the bucket” or “one step at a time” approach is permissible as long as the classification is not arbitrary. *See Crusius v. Ill. Gaming Board*, 348 Ill. App. 3d 44, 59 (Ill. App. Ct. 2004).

Here, the General Assembly did not act arbitrarily in treating members of JRS and GARS differently from members of the other three state pension systems. As a threshold matter, the inclusion of “a cutoff date in a statute, especially a statute that confers benefits or establishes a government program reliant on public funding, is entirely rational.” *Piccioli v. Bd. of Trs. of the Teachers’ Ret. Sys.*, 2019 IL 122905, ¶ 21. In *Piccioli*, the Court reasoned that “[a]dvancement of the State’s economic goals clearly is a legitimate rationale for legislation.” The Court noted that “[i]t certainly is not unusual for the legislature to make pension benefits contingent upon an individual’s eligibility as of the statute’s effective date” and specifically cited P.A. 96-889 as an example. *Id.*

Moreover, JRS posits several reasons why the P.A. 96-0889 Amendments affecting JRS and GARS are rationally related to a legitimate state interest. Judges and legislators receive “more favorable Tier 1 benefits rules than members of other systems,” including higher multipliers and higher caps on retirement annuities. Judges and legislators also enjoy higher average salaries and retirement annuities than participants in other state-funded systems. At the time of the challenged reforms, JRS and GARS were “by far the smallest state-funded systems, [and] had the worst funded ratios.”<sup>25</sup> There is a rational basis for enacting these reforms to protect the health of JRS and GARS while still attracting quality candidates for public office.

For the foregoing reasons, the Court concludes that P.A. 96-0889 Amendments bear a rational basis to a legitimate state interest.

### **III. Legislative Intent**

In the alternative, Plaintiffs argue that their designation as Tier 2 judges violates the legislative intent of Public Act 96-0889 notwithstanding the statutory language. Our supreme court has held that “when the spirit and intent of the legislature are clearly

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<sup>24</sup> Tr. 10/24/24 Hearing at 36.

<sup>25</sup> Def. Brief at 6 & Ex. A; *see also* Tr. 10/24/24 Hearing at 57–58.

expressed and the objects and purposes of a statute are clearly set forth, the courts are not bound by the literal language of a particular clause that might defeat such clearly expressed intent.” *Collins v. Bd. of Trustees of the Firemen’s Annuity & Benefit Fund*, 155 Ill.2d 103, 112 (1993). To meet their burden, Plaintiffs must show ambiguity in the P.A. 96-0889 Amendments and clearly expressed legislative intent that participants who joined JRS on or after January 1, 2011 from a reciprocal system should be deemed Tier 1 judges.

Plaintiffs do not meet their burden. First, this Court does not find the pertinent statutory provisions ambiguous, for the reasons set forth above in Section I.

Second, the legislative intent in this record is not clearly expressed enough to warrant departure from the plain language of the P.A. 96-0889 Amendments. Plaintiffs cite statements of then-House Speaker Madigan’s statement:

Number one, the Bill, does not apply to any current employee of any government in Illinois. The Bill only applies to people not yet hired to work on government jobs in the state of Illinois. So, again, number one, the Bill does not apply to any current employee of a government or a school district.<sup>26</sup>

Plaintiffs also cite statements by then-Senate President Cullerton:

Senate Bill 1946 . . . applies only to new employees. . . We believe it’s very clear, based on case law and cases interpreting New York’s verbatim provision, that we cannot [impact existing employees]. . . So this bill would apply to what we believe we can constitutionally apply it to – and that would be new employees.<sup>27</sup>

While these statements may lend some support to Plaintiffs’ position, they are not sufficiently specific. The statements appear to be intended to provide general reassurance to all state employees. They are not directed toward the comparatively small subset of state employees who would go on to become judges and join JRS.

Furthermore, Defendant points to other remarks by Speaker Madigan and President Cullerton indicating that different provisions specifically applied to legislators and judges.<sup>28</sup> Defendant also cites other legislative history showing that the legislators

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<sup>26</sup> Pl. Brief at 31; *see also* Tr. 10/24/24 Hearing at 40.

<sup>27</sup> Pl. Brief at 31 (brackets in original); *see also* Tr. 10/24/24 Hearing at 40–41.

<sup>28</sup> Def. Brief at 17-18.

were made aware of the “first serves” requirements in JRS and GARS.<sup>29</sup> For instance, Representative McCarthy described P.A. 96-0889 as:

the first step in cutting pensions and our long-term liability debt that the state has incurred over... over many years in our five pension systems that we fund. This Bill will only affect future entrance into the systems. Anyone who joins either the General Assembly Retirement System or the Judges Retirement System on or after July 1 of this year.<sup>30</sup>

On this record, this Court cannot find a clearly expressed legislative intent that participants who joined JRS on or after January 1, 2011 from a reciprocal system should be designated as Tier 1 participants in JRS. Accordingly, Plaintiffs’ legislative intent argument is unpersuasive.

#### **IV. Three Readings Clause & Enrolled Bill Doctrine**

As their final argument, Plaintiffs maintain that the enactment of P.A. 96-0889 violated the Three Readings Clause of the Illinois Constitution.

Article IV, section 8(d) of the Illinois Constitution provides that “[a] bill shall be read by title on three different days in each house.” Ill. Const. art. IV, § 8(d). That said, the Illinois Supreme Court has held that Illinois follows the enrolled-bill doctrine, which provides that “once the Speaker of the House of Representatives and the President of the Senate certify that the procedural requirements for passing a bill have been met, a bill is conclusively presumed to have met all procedural requirements for passage.” *Friends of Parks v. Chicago Park Dist.*, 203 Ill. 2d 312, 328–29 (2003). “Under this precedent, we will not invalidate legislation on the basis of the three-readings requirement if the legislation has been certified.” *Id.*

Plaintiffs concede that the bill was certified,<sup>31</sup> and they acknowledge that this Circuit Court lacks the authority to overrule Illinois Supreme Court precedent. They style the argument as one raised for preservation purposes.

Based on binding precedent, Plaintiffs’ argument fails as a matter of law.

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<sup>29</sup> Def. Brief at 9–10.

<sup>30</sup> Def. Brief, Ex. E.

<sup>31</sup> Pl. Brief at 35.

**ACCORDINGLY, THIS COURT ORDERS THAT** the final administrative decision of JRS is affirmed. This is a final and appealable order. The case is disposed.

DATE: December 30, 2024

ENTERED: **Judge Alison C. Conlon**

**DEC 30 2024**

*s/ Alison C. Conlon*

**Circuit Court – 2140**  
Judge Alison C. Conlon